



ITW  
1649

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Oliver, et al.	
Appln. No.:	10/535,091	Case No.: T1590YP
Filed:	May 13, 2005	
For:	VANILLOID RECEPTOR-2 LIGANDS FOR TREATING ANXIETY OR DEPRESSION	

Art Unit: 1649  
Examiner: Ulm, J.

Commissioner for Patents  
P.O.Box 1450  
Alexandria, VA 22313-1450

**COMMUNICATION**

Sir:

This Communication is responsive to the Office Action mailed December 5, 2005.

The December 5, 2005 Office Action refers to original claims 1-48. However, a Preliminary Amendment was filed with the instant application on May 13, 2005. This Preliminary Amendment cancelled claims 1-22, amended claims 44, 46 and 48, and added new claims 49 – 54. A copy of the Preliminary Amendment, and the return postcard referencing the submission of the Preliminary Amendment, is attached hereto. The December 5, 2005 Office Action does not address the claims as amended in the May 13, 2005 Preliminary Amendment.

The undersigned spoke with Examiner Ulm on December 27, 2005 and learned that the Preliminary Amendment was not addressed in the Office Action due to filing and/or indexing

errors likely occurring during initial clerical processing of the instant application. Examiner Ulm further stated that Applicants have the option of requesting a new Office Action which addresses the claims as amended by the May 13, 2005 Preliminary Amendment. It is therefore respectfully requested that the Examiner issue such a new Office Action.

No fees are believed to be due with this Communication. However, any fees occasioned by this paper or any fee overpayments should be charged or credited to Deposit Account **13-2755**.

Attorney Docket No.: T1590YP  
Application No.: 10/535,091  
Filing Date: May 13, 2005  
Page No.: 3

Respectfully submitted,

By: David A. Rubin  
David A. Rubin  
Reg. No. 40,314  
Attorney for Applicants

Date: December 28, 2005

Merck & Co., Inc.  
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Rahway, NJ 07065-0907  
Phone: (732) 594-2675

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.  
By: Patricia J. Thutson Date: 12/28/05



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Art Unit:  
Examiner:

Commissioner for Patents  
P.O.Box 1450  
Alexandria, VA 22313-1450

**DOCKETED**  
MAY 16 2005  
KATHY KLUTKOWSKI

**PRELIMINARY AMENDMENT**

Sir:

Prior to examination of this application on the merits, Applicants wish to amend the specification to reflect the priority claimed.

Any fees occasioned by this paper or any fee overpayments should be charged or credited to Deposit Account 13-2755.

The **Amendment to the Specification** begins on page 2 of this paper.

The **Amendment to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

The **Remarks** begin on page 8 of this paper.

**EXPRESS MAIL CERTIFICATE**

DATE OF DEPOSIT May 13, 2005  
EXPRESS MAIL NO. EV 421345144 US  
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING DEPOSITED WITH THE UNITED STATES POSTAL  
SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE"  
ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO  
COMMISSIONER FOR PATENTS, P.O. BOX 1450,  
ALEXANDRIA, VIRGINIA 22313-1450.  
MAILED BY Christine Cuppe  
DATE May 13, 2005